Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues prior to submission of the combined second and third periodic reports of Peru*

A. Purpose and general obligations (arts. 1-4)

1. Please indicate what steps have been taken to ensure that existing legislation is fully harmonized with the Convention, especially with regard to equal recognition of the legal capacity of all persons with disabilities.

2. Please provide information on measures taken to mainstream the human rights approach to disability into public policies and plans, in particular the State party's human rights policy.

3. Please indicate how the State party's legislation explicitly addresses the denial of reasonable accommodation as a specific form of discrimination. Also indicate how the concept of "reasonable accommodation" is applied as a mechanism for ensuring equality and non-discrimination for persons with disabilities. Please provide information on measures taken to amend the derogatory language contained in articles 121-A, 122.3.B and 152.2 of the Criminal Code, which state that the offence of causing bodily harm is aggravated when the victim "suffers from a disability".

B. Specific rights (arts. 5-30)

Equality and non-discrimination (art. 5)

4. Please provide information on measures taken to ensure non-discrimination against persons with disabilities, particularly women and children with disabilities, persons with disabilities living in rural areas, indigenous persons with disabilities and Afro-Peruvians with disabilities.

5. Please provide information on simple, accessible and effective resources that enable persons with disabilities to file complaints in cases of discrimination.

Women with disabilities (art. 6)

6. Please indicate what additional measures have been taken to combat multiple and intersectional discrimination against women with disabilities, especially indigenous and Afro-Peruvian women with disabilities.

7. Please provide information on the measures taken to mainstream the human rights approach to disability into policies to promote women's rights, especially policies against gender-based violence and policies related to sexual and reproductive rights. Please provide

* Adopted by the Committee at its seventeenth session (20 March-12 April 2017).

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information on the extent to which disability has been mainstreamed into the Act on the Prevention, Punishment and Eradication of Violence against Women and Household Members.

Children with disabilities (art. 7)

8. Please provide information on measures taken to prevent and punish violence against abuse and neglect of children with disabilities and on measures, including budgetary measures, to provide the necessary support to enable children with disabilities to exercise their rights on an equal basis with others. Please provide information on measures to ensure that children with disabilities, especially indigenous children with disabilities, are heard in relation to the design and implementation of measures affecting them. Please provide information on measures to prevent and combat all forms of violence against children with disabilities, particularly intimidation and harassment.

Awareness-raising (art. 8)

9. Please provide further information on the scope and impact of awareness-raising programmes and activities to combat negative stereotypes and prejudices against persons with disabilities and on additional measures implemented to ensure that awareness-raising activities conducted by private actors are in line with the human rights approach to persons with disabilities.

Accessibility (art. 9)

10. Please indicate whether the national accessibility plan has been adopted, as provided for in the fourth final provision of the General Act on Persons with Disabilities. Please state whether the plan contains indicators, targets and concrete goals and whether persons with disabilities were consulted about it through their representative organizations. If the plan has not been adopted, what measures are being taken to ensure its adoption? Please also provide information on measures taken to ensure the accessibility of the physical environment, transportation, services, information and communications.

Equal recognition before the law (art. 12)

11. Please indicate what specific measures have been taken to repeal the provisions in the Civil Code and other legislation, including the Act on Notarial Powers in Non-Contentious Matters (Act No. 26662), which authorize the denial or restriction of legal capacity for persons with disabilities. Also, please indicate what measures have been taken to restore legal capacity to persons with disabilities subject to judicial interdiction. Please provide information on measures taken to repeal the provision contained in article 4 of Legislative Decree No. 1310, which approves additional measures to streamline administrative procedures and provides for notarial interdiction in respect of older people.

Access to justice (art. 13)

12. Please provide information on the progress made in ensuring access to justice, including notarial services, for persons with disabilities, including physical accessibility, the provision of Braille, sign language interpretation, the provision of documents in easy-to-read language and the implementation of other augmentative and alternative methods and modes of communication. Please also provide information on procedural adjustments for persons with disabilities in administrative, civil and criminal proceedings. Please provide information on measures taken to repeal the provision contained in article 162.1 of the new Code of Criminal Procedure, according to which persons who are incompetent for natural reasons cannot testify in criminal proceedings.

Liberty and security of the person (art. 14)

13. Please provide information on progress made in deinstitutionalizing persons with disabilities and on measures to eliminate the declaration of criminal responsibility in criminal proceedings and to ensure that persons with disabilities are entitled to judicial guarantees on an equal basis with other persons. Please provide information on measures

taken to repeal the provision contained in article 23 of Legislative Decree No. 1348 adopting the Code of Criminal Responsibility for Adolescents, which provides for the involuntary confinement of adolescents in conflict with the law.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

14. Please provide information on measures to ensure that the national mechanism for the prevention of torture has sufficient human and financial resources to enable it to carry out its work.

Freedom from exploitation, violence and abuse (art. 16)

15. Please provide information on the implementation of measures to prevent and punish violence, abuse and exploitation against persons with disabilities, especially women and children with disabilities.

Protecting the integrity of the person (art. 17)

16. Please provide information on measures to eliminate involuntary confinement and forced treatment of persons with disabilities, particularly persons with intellectual and/or psychosocial disabilities.

Liberty of movement and nationality (art. 18)

17. Please provide information on measures taken to bring migration legislation into line with the Convention.

Living independently and being included in the community (art. 19)

18. Please indicate what measures have been taken, including budgetary measures, to provide support, including personal assistance, to enable persons with disabilities to be included in the community.

Freedom of expression and opinion, and access to information (art. 21)

19. Please indicate whether information intended for the general public is accessible to persons with disabilities — i.e. whether it is available in sign language, easy-to-read versions, Braille, and augmentative and alternative formats and modes of communication. Also provide information about measures taken to ensure the accessibility of the websites of public bodies. Please provide information on measures to regulate and effectively implement Act No. 29535, under which Peruvian sign language is officially recognized.

Respect for home and the family (art. 23)

20. Please provide information on measures taken to ensure that parents are not separated from their children for reasons of disability.

Education (art. 24)

21. Please provide specific information on measures taken to transform the education system in order to implement quality inclusive education, including measures to guarantee that sufficient funding is provided to ensure the inclusion and access of persons with disabilities to inclusive education, reasonable accommodation, support services, curriculum reform and in-service training for teachers, particularly in rural and remote areas. Please provide information on effective measures to include persons with disabilities in tertiary education and on measures to eliminate educational exclusion based on disability, especially of persons with intellectual and/or psychosocial disabilities, particularly in private educational centres.

Health (art. 25)

22. Please provide information on measures taken to ensure that persons with disabilities, especially women with disabilities, have access to accessible health

programmes, including sexual and reproductive health services, on an equal basis with others, especially in rural areas. Please provide information on measures to guarantee the effective access of persons with disabilities to private health insurance.

Habilitation and rehabilitation (art. 26)

23. Please provide information on measures taken to ensure that persons with disabilities have access to accessible habilitation and rehabilitation services, based on the human rights model of disability and on an equal basis with others.

Work and employment (art. 27)

24. Please provide information on specific measures taken to increase the level of employment among persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities, including measures to implement the employment quota in the public sector.

25. Please provide information on measures taken in relation to the provisson of reasonable accommodation in both the public and private sectors.

Adequate standard of living and social protection (art. 28)

26. Please provide information on any additional measures that the State party has taken specifically to include persons with disabilities in poverty reduction programmes and strategies. Please also provide information on measures to ensure that persons with disabilities have access to social security services, without such access being dependent on their having been deprived of legal capacity.

Participation in political and public life (art. 29)

27. Please provide information on measures taken to ensure the effective, accessible and inclusive participation of persons with disabilities in electoral processes, in particular their right to vote in person by secret ballot, with support.

Participation in cultural life, recreation, leisure and sport (art. 30)

28. Please provide information on effective measures to implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. Please also provide information on measures taken to ensure the effective and full participation of persons with disabilities in cultural activities, sports and tourism and to ensure the accessibility of cultural, sports and tourism services and facilities. Please provide information on measures to ensure that persons with disabilities can develop their cultural, artistic and intellectual capacities, especially in rural areas.

C. Specific obligations (arts. 31-33)

Statistics and data collection (art. 31)

29. Please provide information on any additional measures taken, in cooperation with persons with disabilities through their representative organizations, to ensure that disaggregated statistics on persons with disabilities are collected. Please indicate what measures have been taken to ensure that censuses, particularly the 2017 census, are designed and implemented in accordance with a rights-based approach to disability.

International cooperation (art. 32)

30. Please provide information on measures taken to ensure that disability is incorporated into national plans for the implementation and monitoring of the Sustainable Development Goals. Please provide information on measures taken to include persons with disabilities in the national report on the implementation of the Sustainable Development Goals, to be presented to the high-level political forum on sustainable development.

National implementation and monitoring (art. 33)

31. Please indicate the measures that have been taken (a) to strengthen the role and budget of the National Council for the Integration of Persons with Disabilities and the effective participation of persons with disabilities in that body through their representative organizations; and (b) to establish an independent mechanism for monitoring the Convention in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and to ensure that that mechanism has the financial and human resources required to perform its functions.